

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

## ORDER

14 Civ. 3820 (DC)  
05 Civ. 10693 (DC)  
99 Cr. 1048 (DC)

Defendant.

CHIN, Circuit Judge:

The Clerk of Court is directed to docket the circuit court's June 22, 2020 mandate (see Crim. Dkt. No. 212) on the following civil docket: 05-cv-10693. The Clerk of Court is further ordered to separate the mandate from the successive § 2255 petition attached thereto and create a new docket entry on the same civil docket (05-cv-10693) consisting exclusively of the petition, which shall be treated as defendant Thomas Marmolejas's successive § 2255 motion.

Within thirty days of the date of this order, Marmolejas may file an amended § 2255 motion or, in the alternative, submit a letter stating that he wishes to rely on what he has already filed (i.e., his successive § 2255 petition).

Within thirty days of the date of Marmolejas's submission, the United States Attorney's Office for the Southern

District of New York shall file an answer or other pleading in response to the motion. Marmolejas shall have thirty days from the date on which he is served with the government's answer to file a response. Absent further order, the motion will be considered fully submitted as of that date.

All further papers filed or submitted for filing must include the criminal docket number and will be docketed in the criminal case.

SO ORDERED.

Dated:      New York, New York  
                June 24, 2020

s/Denny Chin  
DENNY CHIN  
United States Circuit Judge  
Sitting by Designation